

Passed by the House on April 20, 2005: Yeas 143, Nays 0, 1 present, not voting; the House concurred in Senate amendments to H.B. No. 467 on May 27, 2005: Yeas 139, Nays 0, 2 present, not voting; passed by the Senate, with amendments, on May 25, 2005: Yeas 30, Nays 1.

Approved June 18, 2005.

Effective September 1, 2005.

CHAPTER 928

H.B. No. 468

AN ACT

relating to driver and traffic safety education courses.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 1001.056, Education Code, is amended by amending Subsections (b), (c), (e), (f), and (g) and adding Subsections (b-1) and (c-1) to read as follows:

(b) The agency shall *provide* ~~[print and supply to]~~ each licensed course provider *with course completion certificate numbers to enable the provider to print and issue agency-approved uniform certificates of course completion.*

(b-1) *Certificate numbering under Subsection (b) [The certificates] must be serial [numbered serially].*

(c) The agency by rule shall provide for the design ~~[and distribution]~~ of the certificates *and the distribution of certificate numbers* in a manner that, to the greatest extent possible, prevents the unauthorized production or *the misuse of the certificates or certificate numbers.*

(c-1) *A course provider shall provide for the printing and issuance of original and duplicate certificates in a manner that, to the greatest extent possible, prevents the unauthorized production or the misuse of the certificates.*

(e) The agency may charge a fee of not more than \$4 for each *course completion certificate number*. A course provider *that supplies a certificate to an operator* shall *collect from the* ~~[charge an]~~ operator a fee equal to the amount of the fee paid to the agency for *the* ~~[a]~~ certificate number.

(f) A course provider license entitles a course provider to purchase *certificate numbers* ~~[certificates]~~ for only one approved driving safety course.

(g) A course provider ~~[The agency]~~ shall issue a duplicate *certificate by mail or commercial delivery* ~~[certificates]~~. The commissioner by rule shall determine the amount of the fee for issuance of a duplicate certificate *under this subsection.*

SECTION 2. Section 1001.151(e), Education Code, is amended to read as follows:

(e) The annual renewal fee for a course provider, driving safety school, driver education school, or branch location is an appropriate amount established by the commissioner not to exceed \$200, except that the agency may waive the fee if revenue generated by the issuance of ~~[uniform certificates of]~~ *course completion certificate numbers* and driver education certificates is sufficient to cover the cost of administering this chapter and Article 45.0511, Code of Criminal Procedure.

SECTION 3. Section 1001.209(b), Education Code, is amended to read as follows:

(b) A bond issued under Subsection (a) must be:

(1) issued by a company authorized to do business in this state;

(2) payable to the state to be used:

(A) for payment of a refund due a student of the course provider's approved course;

(B) to cover the payment of unpaid fees or penalties assessed by the agency; or

(C) to recover *any* [the] cost associated with providing [of uniform certificates of] course completion *certificate numbers, including the cancellation of certificate numbers* [the agency demands be returned or any cost associated with the certificates];

(3) conditioned on the compliance of the course provider and its officers, agents, and employees with this chapter and rules adopted under this chapter; and

(4) issued for a period corresponding to the term of the license.

SECTION 4. Sections 1001.351(a) and (b), Education Code, are amended to read as follows:

(a) Not later than the 15th working day after the course completion date, a course provider or a person at the course provider's facilities shall *issue* [mail] a uniform certificate of course completion *by mail or commercial delivery* to a person who successfully completes an approved driving safety course.

(b) A course provider shall electronically submit to the agency in the manner established by the agency data identified by the agency relating to uniform certificates of course completion *issued by the course provider*.

SECTION 5. Section 1001.456(b), Education Code, is amended to read as follows:

(b) If the agency believes that a course provider, driving safety school, or driving safety instructor has violated this chapter or a rule adopted under this chapter, the agency may, without notice:

(1) order a peer review of the course provider, driving safety school, or driving safety instructor;

(2) suspend the enrollment of students in the school or the offering of instruction by the instructor; or

(3) suspend the right to purchase [uniform certificates of] course completion *certificate numbers*.

SECTION 6. Sections 1001.555(a) and (c), Education Code, are amended to read as follows:

(a) A person commits an offense if the person knowingly sells, trades, issues, or otherwise transfers, or possesses with intent to sell, trade, issue, or otherwise transfer, a uniform certificate of course completion, *a course completion certificate number*, or a driver education certificate to an individual, firm, or corporation not authorized to possess the certificate *or number*.

(c) A person commits an offense if the person knowingly possesses a uniform certificate of course completion, *a course completion certificate number*, or a driver education certificate and is not authorized to possess the certificate *or number*.

SECTION 7. This Act takes effect September 1, 2005.

Passed by the House on April 22, 2005, by a non-record vote; the House refused to concur in Senate amendments to H.B. No. 468 on May 23, 2005, and requested the appointment of a conference committee to consider the differences between the two houses; the House adopted the conference committee report on H.B. No. 468 on May 29, 2005, by a non-record vote; passed by the Senate, with amendments, on May 19, 2005: Yeas 29, Nays 0; at the request of the House, the Senate appointed a conference committee to consider the differences between the two houses; the Senate adopted the conference committee report on H.B. No. 468 on May 29, 2005: Yeas 31, Nays 0.

Approved June 18, 2005.

Effective September 1, 2005.